REMARKS

Claims 1, 2, 4, 7-12, 14, 15 and 17 are now pending. Claims 3, 5, 6, 13 and 16 have been cancelled. Claims 1, 12 and 17 are independent and each has been amended herein.

Claims 1-17 were rejected under 35 USC 103(a) as being unpatentable over US Patent 4,773,018 (Lundstrom) in view of US Patent 4,947,094 (Dyer et al.).

In view of the foregoing claim cancellations and amendments, and also the following discussion, the rejection is respectfully traversed and reconsideration is requested.

Independent Claim 1 has been amended herein and is directed to a navigation system *for detecting a current position of a user in a building*. The system includes at least one *stationary* light source including a driver and an encoder, the driver and the encoder coupled to the light source so that the light source produces a modulated light signal in accordance with a predetermined signature. The system also includes a receiver that includes (1) a photosensitive detector capable of detecting the modulated light signal produced by the stationary light source, (2) a decoder capable of decoding the predetermined signature, (3) a memory, (4) a controller communicatively coupled to the receiver and the memory, and (5) an output device coupled to the controller. The controller is arranged to receive the decoded predetermined signature and, based upon the decoded predetermined signature, *retrieve information as to the location of the light source in a digital map of the building and* obtain at least one navigation instruction stored in the memory, and output the navigation instruction using the output device.

Each of independent Claims 12 and 17 has been similarly amended.

In a system according to Applicants' teachings, the modulated light signal includes *only* the "unique code information" (that is associated with a location of the light source) – it does *not* require or include 'navigation instructions' or information related to the building map. This type of system does not need to receive any input data to transmit and there is no need to tie all light sources in the building into a network. Applicants' system then uses the "unique code information" to *retrieve* the relevant information from memory 15 within receiver 20.

Lundstrom is directed to a light tracking automatic navigation system. As acknowledged in the Action, *Lundstrom does not teach or suggest* that the system described therein includes a light source that "produces a modulated light signal with a predetermined signature".

In fact, Applicants respectfully submit that in Lundstrom's system, only "deviations between current positional information and the path control information are detected" and an "output of the error is generated to *guide the vehicle* toward the desired path" (col. 4 lines 41-52). In addition, the only mention of *modulating light from the light source 4 to the detector 5* in Lundstrom is the statement that such modulation is done "in dependence upon said control signals" (col. 4, lines 57-64) (which again, in Lundstrom, are "used for guiding the vehicle 1 towards the desired path" (col. 4, lines 47-48)).

The Action takes the position that although Lundstrom fails to teach or suggest that the modulated light signal is in a form of predetermined code or signature associated with the light signal to provide the position information, that implementation of such an element into a navigation system "is notoriously well known ...was made clearly taught in figures 2 and 6 of the Dyer et al. reference" and that it would be "obvious....to incorporate such well known feature as taught in Dyer et al into the Lundstrom system *to facilitate the navigation function*". (emphasis added).

Further to the discussion above regarding Lundstrom, Applicants further respectfully submit that Dyer, directed to an optical guidance system for industrial vehicles, simply utilizes optical sensing to detect an image of a segment of track mounted above the path of a vehicle, generate electrical signals corresponding to the position of the track and a control circuit uses these signals to "transmit *instructions to the truck-mounted* optical system" (col. 2, lines 64 – col. 3, line 4) (Dyer does *not produce a "modulated light signal with a predetermined signature* and to then use that predetermined signature to retrieve information as to the location of the light source).

For at least the foregoing reasons, Applicants respectfully submit that both Lundstrom and Dyer, taken separately or in any permissible combination, fail to provide the teachings necessary to render each of amended independent Claims 1, 12 and 17 unpatentable.

In addition, Applicants further submit that the alleged obvious "motivation" to even combine these references in the manner suggested in the Action (i.e., "to facilitate the navigation function"), is using impermissible hindsight and is relying upon Applicants' very own specification in an attempt to arrive at the teachings of the invention.

Of course, the motivation to modify prior art must flow from some teaching in the art that suggests the desirability or incentive to make the modification needed to arrive at the claimed invention. Here, both Lundstrom and Dyer at least, fail to suggest the claimed combination. Therefore, Applicants respectfully submit that there is no prima facie case of obviousness, that amended independent Claims 1, 12 and 17 are patentable over the art of record, and the rejection should be withdrawn.

The pending dependent claims are believed to be clearly patentable for all of the reasons indicated above with respect to Claims 1, 12 and 17, one or another from which they depend, and even further distinguish over the cited reference by reciting additional distinguishing limitations.

For example, dependent Claims 7 and 14 further recite that the memory is accessed by the controller *via a communication network.* (see page 9 lines 18-22, of Applicants' specification, noting that the network may be a "global computer communications network such as the Internet, a wide area network, a metropolitan area network, a local area network, a cable network, a satellite network or a telephone network...".) Both Lundstrom and Dyer fail to teach or suggest a system including this feature. In addition, dependent Claim 9 recites that the modulated light signal is provided *when a predetermined input is received by the input device*. Again, both Lundstrom and Dyer fail to teach or suggest at system which operates in the manner recited.

Since the Applicants have fully responded to the Office Action, it is respectfully submitted that in regard to the above remarks that the pending application is patentable over the art of record and prompt review and issuance is accordingly requested. Should the Examiner be

of the view that an interview would expedite consideration of this Amendment or of the application at

large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

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I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (703) 872-9326 on January 22, 2004.

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